

SCOTTSDALE

CITY COUNCIL MEETING

AGENDA



COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Ned O'Hearn

David Ortega

Roberta Pilcher

Tom Silverman

Monday, December 8, 2003

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5:08 P.M.**

Roll Call - ALL PRESENT

Pledge of Allegiance - SCOUT TROOP # 348

Invocation - PASTOR BENNETT HENRICKSON OF BETHANY LUTHERAN

Boards, Commissions & Committees

Board of Adjustment (2) – **JAMES VAIL AND ERNEST JONES**

Building Advisory Board of Appeals (2) – **ANTHONY PALMIOTTO AND LAURENCE HAMPTON**

Environmental Quality Advisory Board (2) – **DANIEL BASINGER AND JAY SPECTOR**

Enhanced Municipal Services District Commission (7) – **BAMBI JOHNSON (5TH AV); STEVEN SCHULTZ (MARSHALL WAY); PAUL PIAZZA (WEST MAIN); MARILYN ATKINSON (OLD TOWN); WILLIAM GOOKIN (6TH AV); TODD IACONO (HOTELIER); ANSELM BISCHOFF (AT LARGE)**

Human Relations Commission (1) - **JOHN (MARTY) GENDRON**

McDowell Sonoran Preserve Commission (1) – **CARLA**

Scottsdale Pride Committee (3) - **JANE FALLEK, GREGORY ROBLESKI, AND ZACHARY STAHMER**

Tourism Development Commission (1) – **DONALD WEINTRAUB**

Appointment – OK – 7/0 WITH COUNCILMAN ECTON, ORTEGA, AND LITTLEFIELD APPOINTED TO THE SUBCOMMITTEE

Motion to establish a "City Council Budget Subcommittee" for the purpose of gathering public input regarding the Scottsdale city budget.

Public Comment – LARRY HEATH – SALES TAX REVENUES

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

1. Authorization to Accept Local Law Enforcement Grant Funds for the Purchase of Public Safety Equipment – OK - C

Request: Adopt Resolution No. 6403 authorizing the Police Department to accept the funds made available under the U.S. Department of Justice Local Law Enforcement Block Grant program in the amount of \$68,723. The grant will allow the Police Department to purchase basic patrol equipment such as radars, portable breath tests, mobile data terminal connectors, night vision goggles, video camera for training, and polygraph software/hardware. The grant was anticipated and budget was authorized in the FY 2003/04 Grants budget. A center in the Grants Fund (Fund 230) will be established to record all grant activity.

Related Policies, References: Omnibus Fiscal Year 2003 Appropriation Act authorizes funds to be made available to local governments. All equipment acquisitions from these funds will adhere to purchasing guidelines.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-5000, arodbell@scottsdaleaz.gov; Carla A. Murillo, Police Budget Analyst, 480-312-5202, cmurillo@scottsdaleaz.gov

2. Construction Bid Award: Arizona Canal Bank Improvements Phase 1, Marshall Way Roadway & Bridge – OK - C

Request: Authorize Bid Award No. 04PB034 for Construction of the First Phase of Canal Bank Improvements to Archon Construction, Inc., the lowest responsive bidder, at their lump sum bid of \$4,284,000.

Staff Contact(s): Al Dreska, Capital Project Management Director, 480-312-5555, adreska@scottsdaleaz.gov; Bill Peifer, Sr. Project Manager, 480-312-7869, bpeifer@scottsdaleaz.gov

3. Professional Services Contracts: Real Estate Appraisals and Reviews – OK - C

Request: Authorize the following real estate appraisal and review appraisal services contracts:

- Professional Services Contract No. 2003-190-COS with Loper & Associates, L.L.C.
- Professional Services Contract No. 2003-191-COS with Sell and Associates, Inc.
- Professional Services Contract No. 2003-192-COS with First Appraisal Services, Inc.
- Professional Services Contract No. 2003-193-COS with Dennis L. Lopez and Associates, L.L.C.

Related Policies, References: Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (“Uniform Act”).

Staff Contact(s): Al Dreska, Capital Project Management Director, 480-312-5555, adreska@scottsdaleaz.gov; Ron King, Asset Management Coordinator, 480-312-7042, rking@scottsdaleaz.gov

4. Construction Bid Award: Neighborhood Stormwater Improvements – OK - C

Request: Authorize Construction Bid Award No.04PB020 to construct Stormwater Management Improvements in four neighborhood locations to Baseggio and Company, the lowest responsive bidder, at their lump sum bid of \$266,122.73.

Staff Contact(s): Al Dreska, Capital Project Management Director, 480-312-5555, adreska@scottsdaleaz.gov; Robert M. Johnson, Project Manager, 480-312-7054, rmjohnson@scottsdaleaz.gov

CONSENT AGENDA

Monday, December 8, 2003
Page 3 of 9

5. **Construction Bid Award: Water Campus Filter Complex Improvements – OK - C**

Request: Authorize Construction Bid Award No. 04PB038 for Construction of new Filter Complex Improvements at the Scottsdale Water Campus to MGC Contractors, Inc., the lowest responsive bidder, at their lump sum bid of \$3,102,560.

Related Policies, References:

- a. Engineering Services Contract No. 2003-007-COS with Damson S. Williams Associates (DSWA) for design of the Water Campus Phase 3 Expansion, approved by City Council on February 3, 2003.
- b. 2001 Wastewater System Master Plan, approved by City Council on October 15, 2001.

Staff Contact(s): Al Dreska, Capital Project Management Director, 480-312-5555, adreska@scottsdaleaz.gov; Alison Tymkiw, Sr. Project Manager, 480-312-7985, atymkiw@scottsdaleaz.gov; Joe Gross, Water Resources Director, 480-312-5628, jgross@scottsdaleaz.gov

6. **Sale of Water Resources Surplus City Property – OK - C**

Requests:

- Adopt Resolution No. 6405 authorizing the sale of 3,077 S.F. of surplus property located at the southeast corner of Indian School Road and 86th Street, in the amount of \$5,950, to the adjoining property owner, James M. Lawrence.
- Adopt Resolution No. 6406 authorizing the sale of a 315 S.F. Private Access Easement located at 8102 E. Foothill Drive, in the amount of \$1,400, to the adjoining property owner, the Ann W. Kelly Personal Resident Trust.

Related Policies, References: Scottsdale Revised Code Section 2-221(b)(5) allows the City to sell property directly to owners of adjoining property without conducting a public auction if a determination is made that uniting ownership of the city's real property with the adjoining property will be a public benefit. The determination is based on such issues as proposed use of the property, size and configuration, existing restrictions on development and the value of the property.

Staff Contact(s): Al Dreska, Capital Project Management Director, 480-312-5555, adreska@scottsdaleaz.gov; Ron King, Asset Management Coordinator, 480-312-7042, rking@scottsdaleaz.gov

7. **Amendment to Lease Agreement: Commercial Office Space at the Aviation Business Center to Southwest Flight Center, Inc. – OK - C**

Request: Adopt Resolution No. 6393, authorizing an amendment to lease agreement No. 2000-191-COS-A for commercial office space at the Aviation Business Center for Southwest Flight Center, Inc. to facilitate their relocation to a new office (Suite 101).

Related Policies, References: Lease Agreement No. 2000-191-COS, Resolution No. 5688.

Staff Contact(s): John C. Little, Jr., General Manager, Transportation, 480-312-2539, jlittle@scottsdaleaz.gov; Scott T. Gray, Aviation Director, 480-312-7735, sgray@scottsdaleaz.gov

8. **Lease Agreement: Commercial Office and Counter Space at the Scottsdale Airport Terminal Building for Grand Canyon Airlines, Inc. – OK - C**

Request: Adopt Resolution No. 6398, authorizing lease agreement No. 2003-174-COS for commercial office and counter space at the Scottsdale Airport Terminal Building for Grand Canyon Airlines, Inc. to continue to provide Federal Aviation Regulations Part 135 on-demand scenic charter flights.

Staff Contact(s): John C. Little, Jr., General Manager, Transportation, 480-312-2539, jlittle@scottsdaleaz.gov; Scott T. Gray, Aviation Director, 480-312-7735, sgray@scottsdaleaz.gov

9. Intergovernmental Agreement (IGA): Designing and Constructing Security Improvements at the City's Airport – OK - C

Requests:

- Adopt Resolution No. 6410, authorizing IGA No. 2003-186-COS with the Arizona Department of Transportation (ADOT) accepting grant no. E4S39 for \$225,000 and a 15% grant contingency of \$33,750. The ADOT grant agreement provides the City with the ability to receive additional grant funding (15%) in the event change orders are needed. The grant match of \$25,875 (\$22,500 plus the additional 15% contingency match of \$3,375) will be funded by Aviation Enterprise funds in the Aviation Capital Projects Fund.
- Authorize the transfer of \$258,750 of FY 2003/04 Aviation Grant budget to the Aviation Capital Project center 642-A0409 for this project. Authorize the transfer of current Airport capital budget for Vehicle Security Gates Upgrade (642-A0407) to 642-A0409 to the project. The total project budget authorized will be \$284,625.
- The grant will be used to design and construct various security enhancement projects at Scottsdale Airport. Some items that are considered eligible for funding under this grant are: fencing, gates, cameras and motion detection equipment.

Staff Contact(s): John C. Little, Jr., General Manager, Transportation, 480-312-2539, jlittle@scottsdaleaz.gov; Scott T. Gray, Aviation Director, 480-312-7735, sgray@scottsdaleaz.gov

10. Grant Qwest an Extension on the Construction of a Cable TV System – OK - C

Request: Adopt Ordinance No. 3529 amending Ordinance No. 3185 which granted U S WEST (Qwest) a nonexclusive license for the provision of cable television services within the City of Scottsdale.

Related Policies, References: Ordinance No. 3185 granting a nonexclusive license to construct, install and operate lines, wires and coaxial cable and appurtenances for originating, receiving, distributing and supplying radio, television, and other cable services along, across, and upon the public's streets, ways, alleys, and places within a portion of the City of Scottsdale was passed and adopted on September 14, 1998. Ordinance No. 3046 granting a nonexclusive license to construct, install and operate lines, wires and coaxial cable and appurtenances for originating, receiving, distributing and supplying radio, television, and other cable services along, across, and upon the public's streets, ways, alleys, and places within a portion of the City of Scottsdale (DC Ranch only) was passed and adopted on June 30, 1997.

Staff Contact(s): Brad Hartig, Enterprise Director, 480-312-7615, bhartig@scottsdaleaz.gov; Kevin Sonoda, Telecommunications Policy, 480-312-4138, ksonoda@scottsdaleAZ.gov

11. **Proposed Changes to the City Privilege and Use Tax Code – OK - C**

Request: Consider adopting Ordinance No. 3539 to implement Municipal Tax Code Commission approved changes to the City’s tax code. The changes will align the City code with changes in State law and make technical corrections and clarifications.

Related Policies, References: The proposed changes will conform Section 100 of Appendix “C” of the Scottsdale Revised Code with the definitions of Qualifying Community Health Center, Qualifying Health Care Organization and Qualifying Hospital to the Arizona State Revised Statutes (ARS) definitions. These changes clarify that buildings being built to become one of these qualifying entities would be treated the same as an existing one. The changes to Section 260 of the Code are proposed to conform to ARS and Arizona Department of Revenue (ADOR) practices by removing the current exemption for fees related to lead acid batteries and used oil. Regulation 415.3 is a proposed addition to codify the current practice of grandfathering in existing construction contracts when a privilege tax is changed. Regulation 520.1(11) is proposed to clarify alternative methods for signing privilege and use tax returns and would allow taxpayers to electronically file returns and remit associated taxes.

Staff Contact(s): Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov; Debora Johnson, Customer Service Director, 480-312-5925, dejohnson@scottsdaleaz.gov

12. **Benefit Plan Documents, Summary Plan Descriptions and Contribution Rates – OK - C**

Request: Adopt Resolution No. 6421 to:

1. Approve five City of Scottsdale benefit plan documents:
 - ✓ Group Health Insurance Cafeteria Plan (Attachment A) and related Insurance Premium Plan (Attachment B)
 - ✓ Cafeteria Plan (Attachment C) and related Health Care Plan (Attachment D) and Dependent/Child Care Plan (Attachment E)
2. Approve four summary plan descriptions:
 - ✓ Aetna Open Access Elect Choice EPO (Attachment F)
 - ✓ Aetna Open Choice PPO (Attachment G)
 - ✓ Mayo Health Tradition PPO (Attachment H)
 - ✓ SCOTTSMILES PPO (Attachment I)
3. Approve contribution rates for benefits (Attachment J)

Related Polices, References: Scottsdale Revised Code Section 14-102 relating to the contribution of City funds for health/life insurance benefits and related contractual requirements.

Staff Contact(s): Neal Shearer, Human Resources General Manager, 480-312-2604, nshearer@scottsdaleaz.gov

13. **Contract for Legal Services in Connection with City of Scottsdale v. Phillip P. Lovell, – OK - C**

Request: Adopt Resolution No. 6419 authorizing the Mayor to execute Contract No. 2003-102A-COS, an outside counsel contract renewal in a maximum amount of Thirty Thousand Dollars (\$30,000) with the law firm of AYERS & BROWN, P.C. for legal services regarding representation of the City of Scottsdale in the litigation entitled *City of Scottsdale v. Phillip P. Lovell*, Superior Court Case No. CV2000-017992, an eminent domain action brought to acquire real property for McDowell Sonoran Preserve.

Related Policies, References: Resolution No. 6419

Staff Contact(s): C. Brad Woodford, bwoodford@scottsdaleaz.gov, 480-312-2405; Bruce Washburn, Deputy City Attorney, bwashburn@scottsdaleaz.gov, 480-312-2405

14. Architectural Services Contract to Prepare Initial Concepts and Drawings for Proposed San Francisco Giant's Clubhouse and Training Facility and Renovations to Existing Facilities at Indian School Park/Club SAR – OK – 7/0

Request: Authorize Design Services Contract No. 2003-189-COS with HOK Sport, Inc., d.b.a. HOK Sport + Venue + Event in the amount of \$195,371 for the preliminary concept design of a clubhouse, training fields, batting tunnel, observation tower and related facilities. The scope of this contract is for preliminary and conceptual design only. If the site proves viable, City staff will present City Council with a contract amendment for final design services.

The proposed location for the new facility is at the Coronado Golf Course. Several meetings with residents have been held regarding this location. Neighbors have asked the City for preliminary drawings and concepts, to provide a better idea of the scale, potential location of a clubhouse, training fields, batting tunnel, observation tower and related facilities. The contract also includes conceptual design for a partial renovation/addition to the existing Indian School Park/Club SAR facility that is the current training site for the San Francisco Giants. Coronado Golf Course is a 44-acre site located on both public and private land at the southeast corner of Thomas and Miller roads. The Indian School Park/Club SAR facility is located at the southeast corner of Hayden and Camelback roads.

Related Policies, References:

- a. Agreement No. 94004 between the City of Scottsdale and Scottsdale Charros for the Charros to provide Spring Training baseball to the City. In turn, the Charros have a contract with the Giants to hold Spring Training and player development activities at the Scottsdale facilities. The Charros organization is a community volunteer group. Proceeds from Charros activities provide charitable contributions to youth, education and health organizations.
- b. On July 7, 1976 the City Council approved a 29-year lease for the Coronado Golf Course on the publicly owned portion of the golf course. The lease expires on October 15, 2005.

Staff Contact(s): Al Dreska, Capital Project Management Director, 480-312-5555, adreska@scottsdaleaz.gov; Bill Exham, General Manager, 480-312-2377, bexham@scottsdaleaz.gov

15. Reconsideration of Field Use Fee for Maintenance of School Sites for Little League Baseball - MOTION NOT TO RECONSIDER – OK – 6/1 (D.O.)

Request: At the request of Councilman Ortega, reconsider the City Council's June 16, 2003 decision to implement recommendations of the citizen volunteer Youth Sports Task Force, which included the initiation of a \$3 per hour fee to all youth sports organizations for the purpose of paying for City maintenance of youth sports fields on Scottsdale School District property.

This item is continued on the following page

Item 15 Continued

Related Policies, References:

- Resolution No. 6322, approved June 16, 2003, which authorized changes to the Parks and Recreation Field Allocation Fee Waiver and Partnership Funding Policy, authorized the use of Partnership Funds for one year for maintenance of sports fields on Scottsdale School District property, and initiated a \$3 per hour fee for sports field use by non-profit youth sports organizations of City and Scottsdale School District fields under City management;
- Resolution Number 6351 and Intergovernmental Agreement #2003-120-COS, approved August 25, 2003 between the City and the Scottsdale School District, which allowed City staff and contractors access to the six most heavily used youth sports sites on school district property for the purpose of twice per year field rehabilitation.
- Youth Sports Task Force Final Report, January 2003

Staff Contact(s): Bill Exham, Community Services General Manager, 480-312-2377, bexham@scottsdaleaz.gov; Debra Baird, Parks, Recreation and Facilities Division Director, 480-312-2480, dbaird@scottsdaleaz.gov; Judy Weiss, Parks, Recreation and Facilities Division Manager, 480-312-2416, jweiss@scottsdaleaz.gov

16. Proposed Acquisition of 5.06 acres for WestWorld Event Parking – OK – 7/0

Requests:

- Adopt Resolution No. 6402 authorizing Purchase Agreement No. 2003-176-COS with North Scottsdale Horseman's Park L.L.P. in the amount of \$885,000, plus closing costs of approximately \$4,000, for the acquisition of approximately 5.06 acres of vacant, real property located on the north side of the WestWorld main road between 94th street and the 96th street alignment (Assessor's Parcel No. 217-13-041B).
- Authorize a Capital Contingency Fund transfer in the amount of \$890,000 with funding for this transfer to consist of:
 - 50% to be paid from CIP interest earnings
 - 50% from Basin Management Funds (BMF)

This property is required to provide the needed land for parking during event programming at WestWorld and the FBR Open.

Related Policies, References: March 4, 2003 WestWorld Master Plan, November 13, 2003 TPC/WestWorld/Stadium Oversight Committee meeting/action.

Staff contact(s): Brad Gessner WestWorld General Manager, 480-312-6825, bgessner@scottsdaleaz.gov; Barbara Burns, Assistant City Manager, 480-312-2599, bburns@scottsdaleaz.gov

Public Comment - NONE

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report - NONE

Mayor and Council Items - NONE

Adjournment of the City Council Meeting 10:06 P.M. and Convening of :

**DC Ranch Community Facilities District Board of Directors Meeting
(Agenda Attached)**

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Monday agenda to the agenda for the Tuesday meeting.

**NOTICE OF PUBLIC MEETING OF THE
BOARD OF DIRECTORS OF
DC RANCH COMMUNITIES FACILITY DISTRICT
OF SCOTTSDALE, ARIZONA**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the general public that a special meeting of the DC Ranch Community Facilities District of Scottsdale, Arizona, open to the public, will be held on Monday, December 8, 2003 at 5:00 p.m. immediately following the meeting of the Scottsdale City Council in the City Council Chambers of the City of Scottsdale, Arizona, located at 3939 Drinkwater Boulevard, Scottsdale, Arizona, 85251, telephone number 480-312-2412.

The agenda for the meeting is as follows:

1. Call to Order – **10:07 P.M.**
2. Approval of Minutes of June 2, 2003 – **OK – 7/0**
3. Call for Public Comments - **NONE**
4. Approve contract modification for construction and engineering services for CFD – **OK – 7/0**
5. Approve construction bid award to build a portion of Thompson Peak Parkway, Union Hills, 94th Street, and the Loop Road within DC Ranch CFD boundary – **OK – 7/0**
6. Adjournment – **10:09 P.M.**

Dated: December 8, 2003